



DEPARTMENT OF
ECOLOGY
State of Washington



Public Participation Plan

For:

Occidental Chemical Corporation Site
605 Alexander Avenue
Tacoma, Washington 98421

August 2015

Publication no. 15-04-028

Publication and Contact Information

This report is available on the Department of Ecology's website at <https://fortress.wa.gov/ecy/publications/SummaryPages/1504028.html>

For more information contact:

Hazardous Waste and Toxics Reduction Program
P.O. Box 47600
Olympia, WA 98504-7600

Phone: 360-407-6700

Washington State Department of Ecology - www.ecy.wa.gov

- Headquarters, Olympia 360-407-6000
- Northwest Regional Office, Bellevue 425-649-7000
- Southwest Regional Office, Olympia 360-407-6300
- Central Regional Office, Yakima 509-575-2490
- Eastern Regional Office, Spokane 509-329-3400

To request ADA accommodation for disabilities, call the Hazardous Waste and Toxics Reduction Program at 360-407-6700. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

Public Participation Plan

For:
Occidental Chemical Corporation Site
605 Alexander Avenue
Tacoma, Washington 98421

Cleanup Site ID: 4326
Facility Site ID: 1212

Prepared by:

Hazardous Waste and Toxics Reduction
Southwest Regional Office
Washington State Department of Ecology
Olympia, Washington

Table of Contents

Introduction	1
Plan Contacts	1
Public Participation Grants	2
Regulatory Framework	2
Model Toxics Control Act	2
Hazardous Waste Regulations	4
Other Regulations	5
Facility Background and Site Contamination	5
Site Community	6
Public Participation Activities	6
Site Repositories	8
Future Opportunities to Comment	8
Plan Amendments	8
Figure 1	10

Introduction

The Washington State Department of Ecology (Ecology) developed this public participation plan (Plan) in cooperation with Occidental Chemical Corporation (Oxy). This Plan is for Oxy's former hazardous waste treatment, storage, and disposal (TSD) facility, located at 605 Alexander Avenue, Tacoma, WA 98421.

The purpose of the Plan is to promote meaningful community involvement during Site investigation, selection of cleanup actions, and corrective action at the Oxy site in Tacoma, Washington.

The Plan describes activities that Ecology will do to inform the public about contamination investigations and selection of cleanup activities throughout the corrective action process. Ecology encourages the public to learn about and get involved in decision-making opportunities at the Oxy site. The public can get involved during different stages of the investigation and cleanup of contamination at the site.

Plan Contacts

To be included in the record, comments about the site investigation, cleanup actions, or corrective actions must be submitted during the formal comment periods. Questions are welcome anytime. If you have public participation questions, please contact Ecology's Public Involvement Coordinator, Bridgette Valdez-Kogle, at 360-407-7616 or brva461@ecy.wa.gov. If you have questions about the site cleanup, please contact Ecology's Corrective Action Project Manager for the Oxy site:

Kerry Graber
Hazardous Waste and Toxics Reduction Program
Southwest Regional Office
PO Box 47775
Olympia WA 98504-7775
Phone: 360-407-0241
Email: kgra461@ecy.wa.gov

Public participation activities are coordinated between Ecology and Oxy. Ecology maintains overall responsibility and approval authority in accordance with the requirements of the Dangerous Waste Regulations and the Model Toxics Control Act (MTCA). With participation from Oxy, Ecology will conduct formal public comment periods and other forms of public involvement throughout the cleanup process.

Public Participation Grants

Grants may be available to neighborhood committees, non-profits, and other groups near the site. These funds may be used to provide additional public involvement, receive technical assistance, and enhance the public's understanding of the cleanup process. For more information about the public participation grants, please contact [Lynn Gooding](mailto:Lynn.Gooding@ecy.wa.gov) at 360-407-6062 or visit www.ecy.wa.gov/programs/swfa/grants/ppg.html.

Regulatory Framework

This Plan is required under MTCA, a “citizen-mandated” law that became effective in 1989. MTCA provides guidelines for the cleanup of contaminated sites in Washington State and sets standards to make sure the cleanup protects human health and the environment.

Cleanup at the site will be completed in accordance with MTCA regulations. Cleanup at the site must also satisfy federal and state “corrective action” requirements for facilities that manage, or have managed, hazardous wastes. The first step in the cleanup process is investigating the type and extent of contamination. This information will be presented in a report called a Remedial Investigation (RI). Then Oxy, with Ecology oversight, will develop a Feasibility Study (FS), which outlines potential alternatives for cleanup at the site. Finally, a draft Cleanup Action Plan (CAP) will be written. While MTCA allows us to combine these reports into one public comment period, due to the complexity of the site and interest from the public, we will have comment periods for each of the reports.

Model Toxics Control Act (MTCA)

MTCA began as a grassroots citizen initiative in 1988, and started the process of cleaning up contaminated sites in Washington State. Under MTCA, a current or past site owner or operator may be held responsible for cleaning up contamination at their site to standards that are safe for human health and the environment. Ecology was mandated with implementing MTCA and overseeing cleanups in the state and issued regulations and guidance governing those cleanups. The regulations are found in [Chapter 173-340 Washington Administrative Code \(WAC\)](#). Ecology investigates reports of property contamination and if the contamination is seen as a significant threat to human health or the environment, the site is placed on the Hazardous Sites List, and the cleanup process begins.

Public participation is an important part of cleanup under the MTCA process. Participation needs are assessed at each site according to the level of public interest and the degree of risk posed by the contamination. Individuals who live near the site, community groups, businesses,

government, other organizations, and interested parties have the opportunity to get involved by commenting on the cleanup process.

Hazardous Waste Regulations

There are federal and state regulations governing the management of hazardous wastes. The United States Congress enacted the Resource Conservation and Recovery Act (RCRA), an amendment to the Solid Waste Disposal Act in 1976 to ensure safe management and disposal of municipal and industrial waste generated nationwide. RCRA has been amended several times, including in 1984 with the Hazardous and Solids Waste amendments that expanded the scope and requirements of RCRA.

The goals of RCRA are to:

- Protect human health and the environment.
- Reduce waste and conserve energy and natural resources.
- Reduce or eliminate generation of hazardous waste as quickly as possible.

Subtitle C of RCRA established a program to handle wastes from “cradle to grave.” Owners and operators of waste treatment, storage, and/or disposal (TSD) facilities are required to submit a permit application covering all aspects of design, operation, maintenance, and closure of the facility. RCRA requires owners and operators of these facilities to clean up contamination resulting from *past* and *present* practices, which includes practices of previous owners. These cleanup activities are known as corrective actions.

Federal law uses the term *hazardous waste*. [Washington law](#) uses the term *dangerous waste*. Washington’s definition of dangerous waste includes some wastes not included in the federal definition. State requirements for RCRA hazardous waste management must be at least as stringent as those established by federal law.

Ecology and the U.S. Environmental Protection Agency (EPA) jointly issued a hazardous/dangerous waste permit to the Oxy facility on November 16, 1988. The permit stipulated how wastes treated and stored at the facility were to be managed. When production ceased at the facility in 2002, the permit was re-issued to refer to a cleanup process in an amended Agreement of Consent signed by EPA, Ecology, and Oxy. Since Oxy no longer treats or stores dangerous wastes at the site, its permit does not allow the company to operate as a waste management facility at this location.

RCRA and state dangerous waste regulations require public participation throughout all stages of the permitting and cleanup of waste management facilities. The stages include periods before the permit application is submitted, through the permitting process, during the life of the permit, and

during the cleanup process. Ecology and Oxy will meet the public participation requirements during the RI, FS, and CAP process at the site by complying with this Plan and MTCA public participation requirements.

Other Regulations

Oxy currently has a groundwater treatment plant on the site, which is operating under a National Pollution Discharge Elimination System (NPDES) permit issued by Ecology. For more information about the NPDES permit, contact Chuck Hoffman at 360-407-6344.

Additionally, the site is located within the Commencement Bay Superfund Site and contributes to contamination of an area referred to as the Mouth of the Hylebos problem area. Therefore, federal cleanup laws under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) also apply. For more information, go to: www.epa.gov/superfund/accomp/success/hylebos.htm.

Facility Background and Site Contamination

The facility is located in an industrial section of the Tacoma Tidelands. The Oxy property has been in use for more than 100 years. Past activities include chemical manufacturing, shipbuilding and dismantling, and other activities. Past users of the facility include Oxy, Occidental Tacoma Inc. (merged into parent corporation Oxy), Pioneer Americas, U.S. Navy, U.S. Defense Plant Corporation, Hooker-Detrex Company, the Port of Tacoma, and Todd Shipyards. The only activity remaining at the facility is the groundwater treatment plant operation.

Oxy, with Ecology and EPA oversight, investigated contamination at its Tacoma facility. In August 2014, Oxy submitted a draft comprehensive report called a Remedial Investigation (RI). The RI:

- Describes the contamination of soil, sediment, and groundwater under the site.
- Evaluates the environmental risks posed by the contamination.
- Provides information to develop and evaluate remedial alternatives to address those risks.

The area of contamination is referred to as the *site*. Contamination extends to Port of Tacoma (POT) property, along the Hylebos Waterway and under Commencement Bay. There are hazardous substances in the groundwater, soils, and sediments throughout the site. Oxy and past owners and operators of the facility's historical operations and waste disposal practices contributed to the contamination. See [Figure 1](#) for more details.

The site does not pose a direct risk of exposure to the public. Exposure is limited to direct contact with contaminated soil, groundwater, and sediment or breathing indoor air at the site and

at the neighboring POT property. Air samples in the buildings in and near the site showed Chlorinated Volatile Organic Compounds (CVOC) levels below industrial standards. This means, in an industrial setting, potential exposure is below a level that would pose a risk to adult humans. Cleanup workers at the site follow a safety plan developed and overseen by Oxy and its contractors. Contamination does not affect public drinking water.

Further studies are needed about the impact of contamination on human and ecological health and will be conducted. There may be an indirect risk to the public if they consume resident fish from the Hylebos. Find more information about healthy fish consumption at Washington Department of Health's website: www.doh.wa.gov/CommunityandEnvironment/Food/Fish. Shellfish harvesting is closed in Commencement Bay due to pollution. Find out more by visiting Tacoma-Pierce County Health Department's Safe Shellfish program: www.tpchd.org/environment/surface-water-lakes-beaches-shellfish/safe-shellfish-program/.

Site Community

The site is located at the Port of Tacoma in a predominately industrial and commercial part of Tacoma. However, a 1-mile radius around the site contains a mix of industrial, commercial, and residential properties. The city of Tacoma's population is ethnically and economically diverse. In the district surrounding the site (WA Legislative District 27), there are large African-American, Latino/Hispanic, Asian American, and Native American populations. It is important to incorporate cultural and linguistic needs of this diverse community when we conduct our public outreach and participation activities.

Ecology will reach out to cultural community organizations and provide information in other languages. The non-English languages most widely spoken in the area are Spanish and Korean. Ecology has been informed that many workers in the Tideflats speak Russian as their primary language. When appropriate, Ecology will translate informational sheets into Spanish, Korean, and Russian. We strive to make our public participation efforts as inclusive as possible. Ecology will try to ensure that all community members have access to important documents.

The Puyallup Tribe is a Sovereign Nation that owns land affected by the contamination. Ecology will ensure that the Tribe will be engaged with any decision-making process for this site, and has ample opportunity to be involved throughout the process.

Public Participation Activities

The public may ask questions at any time. Interested persons do not need to wait for a formal public comment period to contact Ecology. However, to be included in the record, comments about the site investigation, cleanup actions, or corrective actions must be submitted during formal

comment periods. In addition, the public may review site documents. This is the most direct way to learn more about the site and be involved in the cleanup’s decision-making.

Contact Ecology’s Site Manager, Kerry Graber, by phone at 360-407-0241 or by e-mail at kgra461@ecy.wa.gov.

Public Comment Notices, Fact Sheets, and Other Notices

During specific stages of the cleanup, Ecology will send public comment notices to addresses inside the site’s “affected area,” generally within a 1-mile radius of the facility and to interested organizations. These notices will provide general information about the site, the status of the site, contact information for submitting comments, and times and locations of public meetings or hearings.

Ecology will also develop fact sheets explaining what is happening at the site, the site background, and next-steps in the process. These fact sheets will be available online and in the document repositories.

The next formal public comment period for the site will be in late summer or early fall 2015. At that time, the public may comment on the draft Remedial Investigation (RI).

Ecology will also host an informational meeting about the RI findings during the formal comment period.

All key site documents including plans, technical memoranda, and reports are available for review. See [Site Repositories](#).

Public Comment Periods

Formal 30-day comment periods allow interested members of the public an opportunity to comment on draft site documents, amended orders, or newly proposed cleanup actions. If there is significant interest, Ecology may extend the public comment period to 60 days.

Public Meetings

We will hold public meetings, workshops, open houses, and public hearings based on community interest. These meetings are held at locations close to the site that meet Americans with Disabilities Act standards. Based on feedback from Citizens for a Healthy Bay (CHB) we will likely hold meetings in the Browns Point area. It is possible that future meetings or other events may need to be held at different locations to accommodate larger numbers of interested persons, or their needs. Public meetings, workshops, open houses, and hearings are always announced in advance, using a variety of methods.

The site’s next public meeting will be held during the late-summer or early-fall comment period as requested by CHB. Ecology is also available for smaller meetings with concerned members of the public if requested.

Site Register

Information from the Public Comment Notices and Fact Sheets will be on the Statewide Site Register. The Site Register is available on Ecology's website at www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html. It is also sent to those on our mailing list. If you are interested in receiving the Site Register, contact Seth Preston at Ecology at 360-407-6848 or e-mail seth.preston@ecy.wa.gov.

Display Ads or Legal Notices

These will announce public comment periods, public meetings, workshops, open houses, and public hearings. We will publish these ads or notices in *The Tacoma News Tribune* and in another local newspaper if needed. We will also place notice on the Ecology Public Events Calendar at <http://apps.ecy.wa.gov/pubcalendar/calendar.asp>.

Email Lists

Ecology created an email list to update interested persons about corrective action progress at Oxy. To subscribe (or unsubscribe) to this list, go to:

<http://listserv.wa.gov/cgi-bin/wa?A0=OCCIDENTAL-CORRECTIVE-ACTION>

Ecology may also provide updated information to community email lists. It will be up to the administrators of these lists to identify what site information is of most interest and how often Ecology should provide updates. The administrators will then post the updates that Ecology provides.

Mailing List

Ecology developed a mailing address list that includes individuals interested in site activities and those with property addresses in the site area. These persons will receive (via U.S. Postal Service) formal public comment notices at different stages of the cleanup. We will add additional individuals, organizations, other interested parties, and local, state, and federal governments to the mailing list as requested. If you would like to be added to the mailing list for this site, contact Bridgette Valdez-Kogle, the site's Public Involvement Coordinator, at 360-407-7616 or brva461@ecy.wa.gov.

Ecology's Website

Two websites are maintained for the Oxy cleanup. Both websites will be kept up-to-date, but this page will be used most often for public outreach:

www.ecy.wa.gov/programs/hwtr/cleanupSites/Occidental/.

The second website is linked to a broader Ecology cleanup database and is located here:

<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=4326>.

Other Outreach Tools

In addition to Fact Sheets, other flyers announcing public comment periods, meetings, and workshops may also be posted in various locations throughout the community (e.g., local businesses, schools, libraries) and on Ecology's website.

Site Repositories

During public comment periods, you can find important documents at the following locations:

Department of Ecology Southwest Regional Office 300 Desmond Drive SW Lacey WA 98503 360-407-6300	Citizens for a Healthy Bay 535 Dock Street, Suite 213 Tacoma WA 98402 253-383-2429	Mary Rose Kobetich Library 212 Browns Point Blvd. NE Tacoma WA 98422 253-248-7265
--	---	--

If you would like to view documents outside of a formal public comment period, contact Ecology's Site Manager, Kerry Graber at kgra461@ecy.wa.gov or 360-407-0241. *Please call to confirm office hours for each location.*

Future Opportunities to Comment

The draft RI will be available for comment in late-summer or early-fall 2015. We will hold a 60-day public comment period once the draft RI is ready. Once we review the comments, the RI will be finalized. We will then conduct a Feasibility Study (FS) that evaluates cleanup action options prior to proposing a preferred action, or actions, to the public. Requirements for conducting a RI/FS ensure opportunities for public participation throughout the cleanup process.

Plan Amendments

This plan was developed by Ecology, and complies with MTCA regulations (WAC 173-340-600). It will be reviewed as the RI, FS, and CAP progress, and amended if necessary. Ecology provides final approval of the Plan and amendments.

This Plan includes information for the public regarding opportunities for public involvement and comment. The outreach activities discussed in this section reflect Ecology's current plans for keeping the public informed and providing ways for those interested in the site to communicate their concerns and questions to us. If you feel the planned outreach activities and mechanisms described in this Plan are insufficient, or should otherwise be modified, we will work to find solutions. New outreach activities or outreach mechanisms established as a result can be implemented right away, with or without amendment of the Plan.

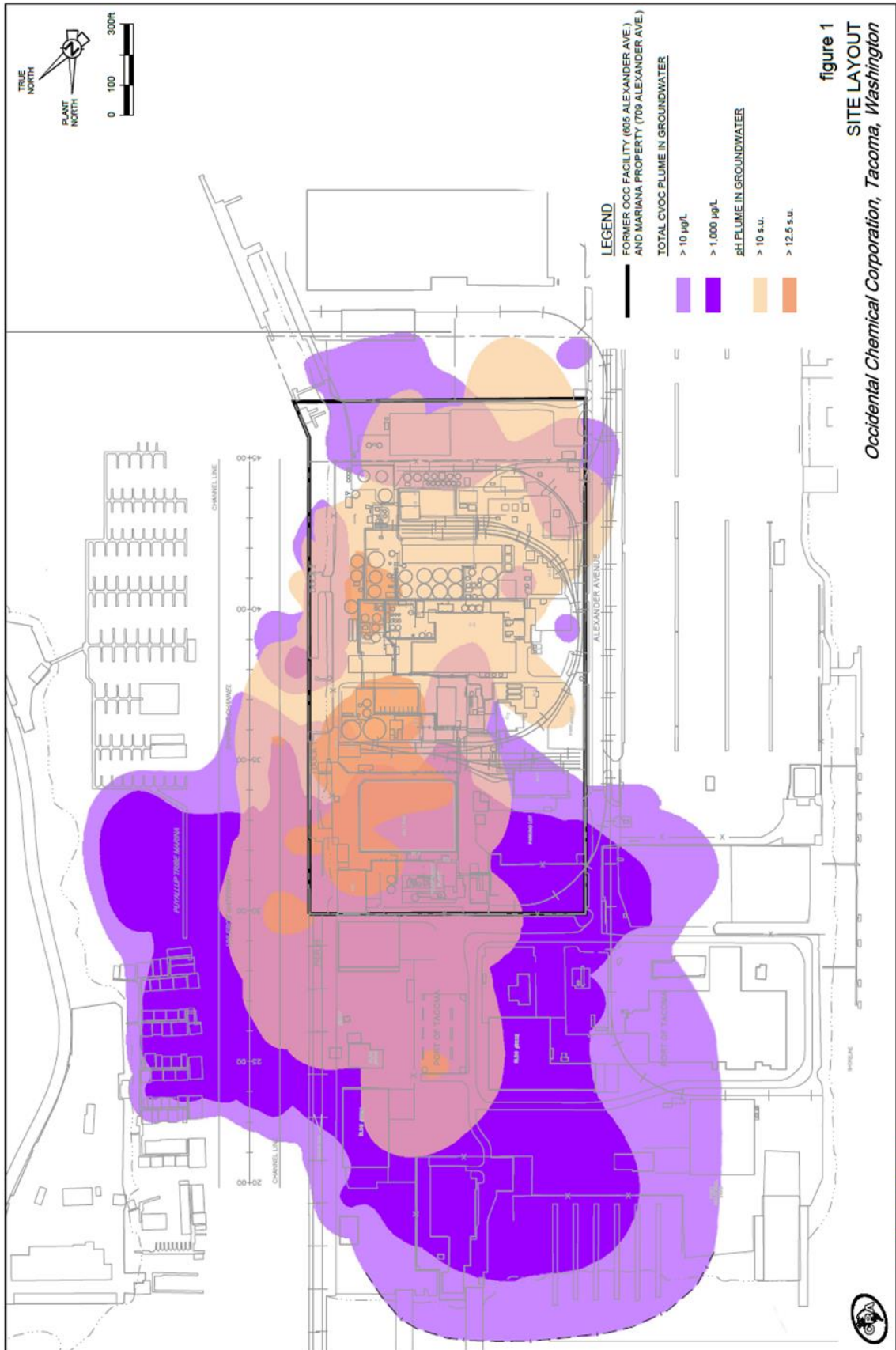


figure 1
SITE LAYOUT
Occidental Chemical Corporation, Tacoma, Washington

07943-M5(PRES04)GN-WA003 JUN 16, 2015